

## County Board of Appeals of Beltimore County

OLD COURTHGUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

October 13, 1993

Charles Mentzer, Esquire 7902 Belair Road Baltimore, MD 21236

> RE: Case No. R-89-462 Alva & Nadine Hocpengardner Petitioners

Dear Mr. Mentzer:

The Board has completed an audit of pending cases before it and has located the above-referenced Petition for Reclassification, on which you appear as Counsel for Petitioner. This Petition was on which you appear as counsel for retitioner. This retition was filed with the Board prior to the County Council's enactment of the 1992 Comprehensive Zoning Maps. In view of this subsequent enactment by the Council, your Pet. ion for Reclassification of the subject property is moot. The Board will therefore withdraw your Petition from its docket of pending cases and close our file.

Please contact me within fifteen (15) days from the date of this letter if you have any questions or comments concerning the above action.

Very truly yours,

William T. Hackett, Chairman County Board of Appeals

cc: Alva & Nadine Hoopengardner Mr. James Earl Kraft People's Counsel for Baltimore County P. David Fields Lawrence E. Schmidt Timothy M. Kotroco James Thompson /ZADM W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM Arnold Jablon, Director /ZADM

" Inted with Soybean Ink on Recycled Paper



PROPERTY DESCRIPTION

HOOPENGARDNER - ZONING RECLASSIFICATION

Beginning at the centerline of Eddlynch Drive, a 24' right-of-way, at a distance of 510' easterly from the centerline

of Church Road, thence running the following courses;

- 1) South 19 degrees 00 minutes 00 seconds West 162 feet;
- 2) North 71 degrees 30 minutes 00 seconds West 90 feet;
- 3) South 19 degrees 00 minutes 00 seconds West 177.28 feet; 4) South 71 degrees 00 minutes 00 seconds East 192.80 feet;
- 5) North 19 degrees 00 minutes 00 seconds East 340.93 feet to centerline of Eddlynch Drive, thence with said road;
- 6) North 71 degrees 30 minutes 00 seconds West 102.83 feet to the point of beginning.

Containing 1.17 acres or 50,965 square feet of land, more or less.



120 Cockeysyllle Road / Suite 105 / Hunt Valley, Maryland 21031 / (301) 785-2300

RE: PETITION FOR RECLASSIFICATION BEFORE THE COUNTY BOARD OF APPEALS FROM D.E. 5.5 TO B.L.-C.N.S. ZONE

S/S [ddlynch Dr., 510' E/C/L of : OF BALTIMORE COUNTY
Churca Rd., 12th Election Dist. 

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other THE RESERVE OF THE PROPERTY OF proceedings in this matter and of the passage of any preliminary or

final Order.

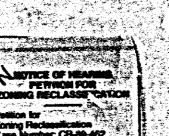
People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 (301) 887-2188

I HEREBY CERTIFY that on this 17th day of July, 1989, a copy of the foregoing Entry of Appearance was mailed to Charles Nentzer, Esquire, 7902 Belair Rd., Baltimore, MD 21236, Attorney for Petitioners.

89 JUL 17 AM 11: 53 COUNTY BOARD OF APPEALS

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Poster	Signature				



(4) South 71 dagrees 0 minutes 00 seconds East 192.6

(5) North 19 degrees 00 minutes 00 seconds East 340.83 feet to contentine of Eddynch Prive, Burce with said road; (6) North 71 degrees 30

## CERTIFICATE OF PUBLICATION

November 20 1989 THIS IS TO CERTIFY, that the annexed advertisement was publish-ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md. once in each of \_\_\_successive weeks, the first publication appearing on Nov 16 1989

PETITION FOR ZONING RE-CLASSIFICATION AND SPECIAL EXCEPTION AND/OR VARIANCE

See Attached

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an P.R. 5.5 zone to an B.L. C.N.S. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property.

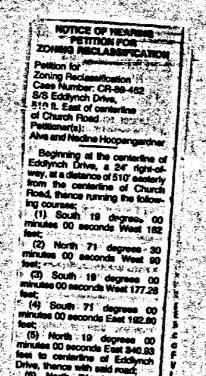
and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

See Attached

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations an I restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:	Legal Owner(s):
	. Alva Hoopengardner
(Type or Print Name)	(Type or Print Name)
	1 Lux / Esserella
Signature	Signature
	Nading Hoopengardner
Address	(Type or Print Name)
	nadam Tov susach
City and State	Signature
Attorney for Petitioner:	
Charles Mentzer	7804 Wise Avenue (301) 285-706
(Type or that Name	Address Phone No.
Call page	Baltimore, Maryland 21222
Signature	City and State
7902 Belair Road	Name, address and phone number of legal owner, con-
Address	tract purchaser or representative to be contacted
Baltimore, Maryland 21236	
City and State	Name
Attorney's Telephone No.: (301) 882-9595	
	Address Phone No.



BABC-Form 1

## CERTIFICATE OF PUBLICATION

TOWSON, MD. November 2019 89 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 16 1989.

THE JEFFERSONIAN.

Mr. Bortko called-

The Petitioners respectfully request that the subject property be re-classified and re-districted from a D.R. 5.5 Zone to o B. L. -C.N.S. Zone for the following reasons:

REASONS FOR RE-CLASSIFICATION AND RE-DISTRICTING

1. An error was made when the 1988 Comprehensive Zoning Maps were adopted in view of the fact that the subject property had been Zoned B. L. since 1957 and the C.N.S. District was superimposed with the adoption of the 1971 Zoning Maps.

The adjacent property to the west also had the same

3. A shopping center presently exists immediately to the east and commercial uses presently exist to the south fronting on Wise Avenue.

4. The subject property is suitable for use as a buffer between the shopping center and the houses.

5. When the Petitioners purchased the property it was their intent to use portions of the property for commercial use and that was a consideration for the purchase of the property; the re-zoning deprives the Petitioners of that use.

5 For such other and further reasons as are appropriate at the time of a hearing.

> NOTICE OF HEARING PETITION FOR ZONING RECLASSIFICATION

Petition for Zoning Reclassification Case Number: CR-89-462 S/S Eddlynch Drive, 510 ft. East of centerline of Church Road Petitioner(s): Aiva and Nadine Hoopengardner

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE APRIL, 1989 -OCTOBER.1989 ZONING RECLASSIFICATION CYCLE I

WESTERN SECTOR

8. Property Currer: 307, Inc. - John P. Gotes, President Core No Albering Cole: Pape-432; Explaneter 20, 1898 Contract Productor: — Bace Ser: - Sérourer Productor Read & Halmeinant Avenu (307 Frederich Read)
Saiding Spring: D R.-8. 8
Buction Clarite: 1 inf Councilment Clarite: 1 inf Councilment Clarite: 1 inf Councilment Clarite: 1 No. 1 inf Acres: 0.275 - 12,000 on; 8. Proposed Zaning: Pt. O.

8, Property Count: Plea Jankis, M D.
Case Na Atserting Date: CR89-453; Reptember St., 1689
Careboot Purch: Set: —
Lacation, Indicator Sellivare National Pille & Cummings

6. Property Conner: Rimore Signers United Particles to Case 1th Absorbs Cale: R86-841; Constant 4, 1984 Constant Resident Lane, 227 SW at contenting Resident Street Street Lane, 227 SW at contenting Residentstown Fined (1002 Residentstown Road) glating Zening: D. R.-3.5 Baction Clarific. 48 CauseChennia Clarific. 3rd Across: 4.37 Proposed Zening: PLO. B. Proposity Current: Emphasers & Iran Wenhard
Case No. Hearing Dubit: R89-488; Combor 15, 1989
Contract Processor:
Lack State: R878 Fish Involvem Road; 1, 190 NW of containing
Processorial Lanck sub-contractNW/S grapesed Covings
Mills Book
Bisting Zening: M.L.-4.M.
Becton District: 40:
Consciousite District: 3rd
Across 19
Progened Zening; B. R.

NORTHERN SECTOR Property Coner: United Method at Missionary & Church Errensian Bociety of the Annapolis & Battimore District Gase Ma./Neuring Date: CR89-458XA; October 10, 1989 Contract Purchaser: Charily Holding Corporation, on Lastia

CENTRAL SECTOR F. Proposty Direct: Charles F. Evens & Son, Inc.
Case No Alexand Dain: CRP8-457, October 23, 1989
Contract Prachaser: —
Location: HE/3 York Road, apposite Rose Street, approx.
237 E of canadias York Road (2025 York Road)
Emiting Contract D. 8.3.5
Section District. 3rd
Across: 22
Proposeed Zening; E.L.

Property Current Charte F. Evens 3 Son, Inc.
Caso No Pricering Desic CR07-SEX, Colober 31, 1889
Contract Leaver Holes Desich Benday
Contract Purchaser: —
Lacches: ME/S York Road, opposite Rose Street, approx.
2807 E of contenting York Road (2025 York Road - Read)

LOCATIONS OF PROPERTIES UNDER PETITION NORTHERN ---

G.P.
Case No Alexang Oles: R88-c58, November 15, 1988
Contract Purchaser:
Location, 5'S West Chesippele Avenue 55'E of censories
Florido Avenue (32' West Chesippele Avenue)
Enlang Zoning: D.R.-S.
Electon District: 98
Councimente District: 48
Ac. 181: 818
Proposed Zoning: R.Q.

EASTERN SECTOR 16. Property Comer: Jack Fertey
Case No (Hearing Date: R88-460; November 28, 1989
Contead Purchaser: —
Location: WS Early Road; 758 SD SW from Early Read
and 2 COD 9 of Ebenezier Road (\$16 Early Read)

First Zeong 2:8 6.5 Except Dance tim Complinate Dance to Acres: 1.17 Proposed Zeong Bd.-Cit.S.

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF WILLIAM HACKETT, CHAIRMAN, COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY AND P. DAVID FIELDS
DIRECTOR OF PLANNING AND ZONING

APR 2 5 1989

NOTICE OF HEARING

Petition for Zoning Reclassification Case Number: 4k-89-462 S/S Eddlynch Drive, 510 ft. East of centerline of Church Road Petitioner(s): Alva and Nadine Hoopengardner

Petition to reclassify the property from an D.R.5.5 to an B.L.-C.N.S. zone.

Room 301, County Office Building, 111 W. Chesepeake

Evenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN

County Board of Appeals cc: Charles Mentzer, Esq. Mr. & Mrs. Hoopengardner

People's Counsel

Board of Appeals

W.T.P.

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE

12/12/29 -Continued on the record at request of Counsel for Petitioner; no objection by PC; to be reset with notices to go out within month to earliest possible hearing date.

89 APR 25 PH 2: 00

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

Mr. & Mrs. Alva Hoopengardner 7804 Wise Avenue Baltimore,, Maryland 21222



Re: Petition for Zoning Re-classification CASE NUMBER: CR89-462 S/S Eddlynch Drive, 510° E centerline Church Road 12th Election District - 7th Councilmanic Hearing Scheduled: December 12, 1989

Dear Petitioner(s):

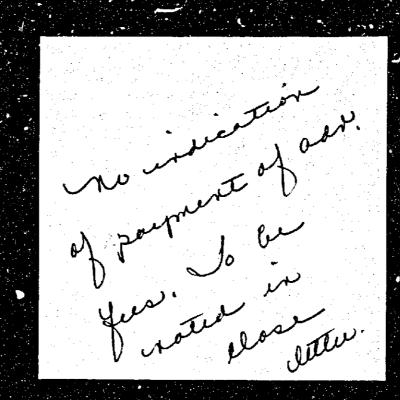
This is to advise you that \$4493\$ is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONTHS OFFICE ON THE DAY OF THE BOARD OF APPEALS! HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines Zoning Commissioner



BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

NOTICE OF HEARING

Petition for Zoning Reclassification Case Number: CR-89-462 S/S Eddlynch Drive, 510 ft. East of centerline of Church Road Petitioner(s): Alva and Nadine Hoopengardre

Petition to reclassify the property from an D.R.5.5 to an B.L.-C.H.S. zone.

Room 301, County Office Building, 111 W. Chesepeak

lvenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRPAR County Board of Appeals

cc: Charles Mentzer, Esq. Mr. & Mrs. Hoopengardne People's Counsel Bourd of Appeals

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

APPEAL . ARINGS SCHEDULED FOR THE WEEK OF DECEMBER 11, 1989

TUESDAT 12/12/89 - 10:00 a.m. ALVA & NADINE HOOPENGARDNER FR-89-462 HEARING ROOM - Room 301 County Office Building (Reclassification)

S/s Eddlynch Drive, 510' E of c/l of Church Road 12th Election District 7th Councilmanic District D.R.5.5 to BL -C.N.S.

WEDNESDAY 12/13/89 10:00 a.m. EDITH PEARCE, ET AL #88-508-SPHX Cub Hill Road HEARING ROOM - Room 301 County Office Building Day #3 (cont.'d from 12/6/89)

NE/s Harford Rd., 100' NE of c/1 of

(10105 Harford Road) 11th Election District 6th Councilmanic District SPH -parking commercial autos in residential zone SE -service garage

THURSDAY 12/14/89 10:00 a.m. SHEPHERDS GLEN SUBDIVISION Timber Grove Road #CBA-87-144 4th Election District HEARING ROOM 3rd Councilmanic District # COUNTY COUNCIL CHAMBERS Second Floor, Old Courthouse RE: Cost of paving a portion of Owings Mills Boulevard (70' right-of-way)

FRIDAY 12/15/89 CASE NO. 89-414-XA POSTPONED TO 12/26/89 @ 1:30 p.m.

cc: Executive Office County Council Law Office People's Counsel Planning Office Current Planning Board Members Court Reporter Information Desks (2) √Docket Clerk - Zoning



County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING

111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) #550335601 887-3180 January 9, 1990 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL

CASE NO. R-89-462 ALVA & NADINE HOOPENGARDNER S/s Eddlynch Dr., 510' E c/l Church Rd. 12th Election District Day #2 from 7th Councilmanic District

12/12/89 -(Cont.'d on Reclassification from D.R.5.5 to BL -C.N.S. the record - no testimony taken) ASSIGNED FOR: WEDNESDAY, FEBRUARY 21, 1990 at 10:00 a.m.

cc: Alva & Nadine Hoopengardner Petitioners/Legal Owners Charles Mentzer, Esquire

Mr. James Earl Kraft

BILL NO. 59-79.

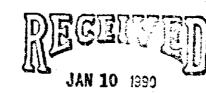
Counsel for Petitioners/Legal Owners Baltimore County Board of Education

Phyllis C. Friedman, Esq.

P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer W. Carl Richards, Jr. ✓ Docket Clerk - Zoning Arnold Jablon, County Attorney

LindaLee M. Kuszmaul Legal Secretary

People's Counsel for Baltimore County



ZONING CIFICE



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 Room 301, County Office Bldg.

January 9, 1990 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-89-462 ALVA & NADINE HOOPENGARDNER S/s Eddlynch Dr., 510° E c/l Church Rd.

. 12th Election District 7th Councilmanic District 12/12/89 - (Cont.'d on the record - no Reclassification from D.R.5.5 to BL -C.N.S. testimony taken)

ASSIGNED FOR: WEDNESDAY, FEBRUARY 21, 1990 at 10:00 a.m.

Charles Mentzer, Esquire

cc: Alva & Nadine Hoopengardner

Zounsel Mor Petitioners/Legal Owners Ballimore County Board of Education Mr. James Earl Kraft Phyllis C. Friedman, Esq. People's Counsel for Baltimore County

P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowigz James E. Dyer W. Carl Richards, Jr. Docket Clerk - Zoning

Arnold Jablon, County Attorney

LindaLee M. Kuszmaul Legal Secretary

Petizionens/Legal Owners

HEARING ROOM -Room 301, County Office Bldg.



#### County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) XIVAN 3380 887-3160 January 23, 1990

Room 301, County Office Building

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-89-462♥ ALVA & NADINE HOOPENGARDNER Day #2 from 12/12/89

S/s Eddlynch Dr., 510' E c/l Church Rd. 12th Election District

(Cont.'d on the record no testimony taken)

7th Councilmanic District Reclassification from D.R.5.5 to BL -C.N.S.

which was scheduled for hearing on February 21 1990 has been POSIFULED . at the request of Counsel for Petitioner due to Circuit Court conflict. No reset date. To be reset at the request of Counsel.

Charles Mentzer, Esquire

Peti loners/Legal Owners cc: Alva & Nadine Hoopengardner

Counsel for Petitioners/Legal Cwners

ZOWING DESCRIPTION

Legal Secretary

Mr. James Earl Kraft

Baltimore County Board of Education People's Counsel for Baltimore County

Phyllis C. Friedman, Esq. P. David Fields Pat Keller

J. Robert Haines Ann M. Nastarowicz James E. Dyer

W. Carl Richards, Jr. Docket Clerk - Zoning Arnold Jablon, County Attorney William Hackett Chairman, Board of Appeals

Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: Alva & Nadine Hoopengardner

Location: S/S Eddlynch Dr., 510' E Centerline Church Road

Item No.: Twelve (12)

Zoning Agenda: 4/89-10/89

Gentlemen:

Baltimore County Fire Department

494-4500

Paul H. Reincke

Towson, Maryland 21204-2586

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydra is for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation

(X ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1988 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

langing froup Special Inspection Division

# BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

lames H. Thompson Zoning Enforcement

Date December 12, 1989

FROM \_\_\_ Peter Max Zimmerman Deputy People's Counsel

SUBJECT\_Alva & Nadine Hoopengardner, Petitioners
Zoning Case No. R-89-462 (Item 12, Cycle I)

On December 12, 1989, the County Board of Appeals granted a continuance of the zoning reclassification petition on Eddlynch Drive.

It came to my attention that there is a pending zoning enforcement action on the same property. The question was also raised as to the identity of the owner of the property. The zoning reclassification petition is filed in the name of Hoopengardner. Can you clarify, from your research, who the owner is and what interest precisely does Hoopengardner have in this property?

Thank you for your consideration.

Deputy People's Counsel

PMZ:sh

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

May 9, 1989

Mr. William Hackett Chairman, Board of Appeals County Office Building Towson, Maryland 21204



Zoning Reclassification Cycle 1 Item No. 12

April - October, 1989

Property Owner: Case No./Hearing Date: Location:

Existing Zoning: Election District: Councilmanic District: Proposed Zoning:

1.17 B.L. - C.N.S.

12th

7th

D.R. - 5.5

Dear Mr. Hackett:

MSF/lvw

The existing D.R. - 5.5 zoning can be expected to generate approximately 65 trips per day. The proposed B.L. - C.N.S. zoning can be expected to generate approximately 550 trips per day.

Eddlynch Drive has only a 24 Right-of-way, and cannot be considered adequate for commercial use.

> Very truly yours, Michael S. Flanigan

Traffic Engineer Associate II

Alva & Nadine Hoopengardner

R89-462; December 12, 1989

centerline of Church Road.

Eddlynch Drive 510' E. of the

# ZENING ENFORCEMENT Baltomer County Zoning Office Townson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

September 19, 1989

INTER-OFFICE CORRESPONDENCE

Chairman, Board of Appeals FROM: James H. Thompson

TO: William Hackett

Zoning Enforcement Coordinator

RE: Zoning Reclassification Cycle 1 Item No. 12

The above subject matter is scheduled for a hearing on December 12, 1989 at 10:00 a.m.

Presently, this office has an active violation case against the property located at S/S Eddlynch Drive, 510' E. centerline Church Road. We are seeking an injunction in the District Court of Maryland, Baltimore County for use of the site to store inoperative and unlicensed motor vehicles and parts thereof.

A review of the assessment records indicates that on April 3, 1989 ownership transferred from Alva Hoopengardner to William N. Scherer, Trustee. Zoning Commissioner, J. Robert Haines instructed me to notify you of this fact noting that the property was listed in "The Jeffersonian" on May 4, 1989 and May 11, 1989 as having Alva and Nadine Hoopengardner as the property owners.

If further questions remain, please contact this office at

ZENING ENFORCEMENT Baltimore County Zoning Office Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

April 23, 1990

TO: Peter Max Zimmerman

Deputy People's Counsel

(Item No. 12, Cycle I)

FROM: James H. Thompson Zoning Enforcement Coordinator RE: Alva and Nadine Hoopengardner-Petitioners Zoning Case No. R-89-462

First, my apologies for not responding to your letter in a more timely fashion. Having reviewed this case regarding property ownership with Timothy Kotroco, Assistant Court Attorney, in lieu of the deeds, Alva and Nadine Hoopengardner are the present owners of the property in

This office is in the process of filing a new Petition for Permanent Injunction and Show Cause Order against the Hoopengardners for using their property as a junk yard.

If further questions exist regarding any action by this office, please contact me at 887-3351.

1/9/90 - Following parties notified of hearing set for February 21, 1990 at 10:00 a.m.: Alva & Nadine Hoopengardner Charles Mentzer, Esquire Mr. James Earl Kraft

(Cost d on the record - Phyllis C. Friedman, Esq. P. David Fields no testimony taken) P. David Fi J. Robert Haines Ann M. Nastarowicz James E. Dyer W. Carl Richards, Jr.

Docket Clerk - Zoning 1/23/90 - Above parties notified of Postponement at the request of Counsel for Petitioner; no reset date. To be reset at request of Counsel.

4/24/90 - Telephoned Charles Mentzer, Esq.'s office to ask status of case (should case be set in or does Mr. Mentzer intend to withdraw Petition). Mr. Mentzer was out of office - message left with secretary.

10/13/93 -Ltr to Charles Mentzer, Esq. -Counsel for Petitioners; Petition for Reclass. is MOOT as result of enactment of 1992 Comp. Zoning Maps by County Council; petition to be withdrawn from Board's docket and case closed. Allowing 15 days for comment/questions.

J. ROBERT HAINES ZONING COMMISSIONER Plaintiff

WILLIAM N. SCHERER, TRUSTEE 7804 Wise Avenue Baltimore, Maryland 21222 Defendant

DISTRICT COURT

OF MARYLAND FOR BALTIMORE COUNTY

CASE NO.

#### PETITION FOR PERMANENT INJUNCTION & SHOW CAUSE ORDER

J. Robert Haines, Zoning Commissioner for Baltimore County, Maryland, Plaintiff, by his undersigned attorney, pursuant to Section 4-401(7) of the Courts and Judicial Proceedings Article of the Annotated Code which confers upon this Court the exclusive original jurisdiction to hear a Petition for Injunction for a zoning violation, petitions this Court to permanently enjoin the Defendant from violating the zoning laws of Baltimore County, Maryland and for reasons

1. That the Defendant is the owner of premises located at the Southside of Eddlynch Drive, 510 feet East of the Centerline of Church Road, Baltimore County Maryland, zoned D.R. 5.5.

2. That the Defendant has violated the Baltimore County Zoning Regulations in the following manner:

A. Use of the subject premises as a junk yard by storing inoperative and unlicensed motor vehicles and parts thereof.

3. Recent complaints and inspections reveal that the Defendant

4. That the Plaintiff is without a remedy to enforce correction of the violations aforesaid which continue to be detrimental to the health, safety and welfare of the entire community.

WHEREFORE, the Plaintiff requests the Court to pass an Order:

- a. Permanently enjoining the Defendant from violating any of the Baltimore County Zoning Regulations; and
- b. Ordering the Defendant to correct the violation immediately
- Removal of all unlicensed and inoperative motor vehicles and parts thereof from the subject property.
- c. For such further and other relief as the nature of this cause may require.

Assistant County Attorney Courthouse, 2nd Floor Towson, Maryland 21204 301/887-5657

CERTICATE OF SERVICE

day of Ookber, 1989, a copy of the Coregoing Petition for Permanent Injunction and Show Cause Order was mailed, postage prepaid, to Charles Mentzer, Esquire, 7902 Belair Road, Baltimore, Maryland 21236.

> Assistant County Attorney Courthouse 2nd Floor Towson, Maryland 21284 301/887-5657

J. ROBERT HAINES ZONING COMMISSIONER Plaintiff

WILLIAM N. SCHERER 7804 Wise Avenue Baltimore, Maryland 21222 DISTRICT COURT OF MARYLAND FOR BALTIMORE COUNTY CASE NO.

IN THE

SHOW CAUSE ORDER

\* \* \* \* \* \* \* \*

consideration of the Petition for Permanent Injunction filed Commissioner for Baltimore County, Maryland, it is , 1989,

ORDERED, that the Defendant be and the same is hereby directed to why they should not be permanently enjoined from violating the provisions of the Baltimore County Zoning Regulations, provided of the aforegoing Petition for Permanent Injunction and be served upon the Defendant on or before the

INQ DATE 09/18/89 OFFICE OF ASSESSMENTS INQUIRY (1) PROPERTY NO. DIST GROUP CLASS OCC. AREA CARD-NO DEL F/M DATE 12-06-020790 12 3 PH2 08013B D 05/26/89 PRIMARY DESC... A 1.169 AC SUPPLEMENTAL DESC.. SWS EDDLYNCH DR SCHERER WILLIAM N, TRUSTEE 07804 WISE AV BALTIMORE MD 21222 IMPRV ADDRESS EDDLYNCH DR NEAREST INTER.... NR LYNCH RD STRUCTURE.... STATE CODE.. LOT... MAP..... 103 TRANSFER DATE ... D4/03/89 FRONT. 102.83 BLOCK.... BLOCK.... 12 TRANSFER NO..... 015904 BACK.. 192.80 SECTION... PARCEL. 00218 SIDE1. 392.80 PURCHASE PRICE PLAT.... LIBER.. 8137 SIDE2. 340.93 GROUND RENT.... BOOK.... FOLIO... 0671 FORMER OWNER. HOOPENGARDNER ALVA FOLIO.... SQ FT LOT.... 53,802 (M) \*FULL VALUE\* IMPRV PREF-LAND CURTILAGE EX LAND EX IMPRV CURRENT PROPOSED \*\*\*\*BASIS\*\*\*\* YRMO TAX LAND TAX IMPRV EX LAND EX IMPRV EX ADVAL 89/90 ASSESSMT 8811 88/89 ASSESSMT 8709 7,680 87/88 ASSESSMT 8611 6,530

PROPERTY NO. DIST GROUP CLASS OCC. AREA CARD-NO DEL F/M DATE 12-06-020790 12 3 PH3 08013B D 05/26/89 SCHERER WILLIAM N. TRUSTEE PRIMARY DESC... A 1.169 AC 07804 WISE AV SUPPLEMENTAL DESC.. SWS EDDLYNCH LR BALTIMORE MD 21222 IMPRV ADDRESS EDDLYNCH DR NEAREST INTER... NR LYNCH RD STRUCTURE.... STATE CODE.. LOT.... MAP..... 103 FRONT. 102.83 TRANSFER DATE... 04/03/89 BLOCK.... BLOCK.... 12 TRANSFER NO..... 015904 BACK.. 192.80 SECTION... PARCEL. U0218 SIDE1. 392.80 PURCHASE PRICE PLAT.... LIBER.. 8137 SIDE2. 340.93 GROUND RENT.... BOOK.... FOLIO... 0671 FORMER OWNER. HOOPENGARDNER ALVA FOLIO... SQ FT LOT.... 53,802 (M) \*FULL VALUE\* IMPRV PREF-LAND CURTILAGE EX LAND EX IMPRV BLIND CURRENT PROPOSED \*\*\*\*BASIS\*\*\*\* YRMO TAX LAND TAX IMPRV EX LAND EX IMPRV EX ADVAL 89/90 ASSESSMT 8811 4 - - 0 88/89 ASSESSMT 8709 87/88 ASSESSMT 8611 6,530

INQ DATE 02/20/90 OFFICE OF ASSESSMENTS INQUIRY (1)

IND DATE 03/01/90 OFFICE OF ASSESSMENTS INQUIRY (1) PROPERTY NO. DIST GROUP CLASS OCC. AREA CARD-NO 21-00-010585 12 3 PH3 08013P HOOPENGARDNER ALVA PRIMARY DESC... L SWS EDDLYNCH DR HOOPENGAPLNER NADINE SUPPLEMENTAL DESC.. .308 AC 07804 WISE AV IMPRV ADDRESS EDDLYNCH DR BALTIMORE MD 21222 NEAREST INTER.... 0520 W LYNCH RD STRUCTURE.... STATE CODE.. tor... MAP..... 103 FRONT. 82.88 BLOCK.... BLOCK.... 12 BACK.. 82.83

TRANSFER NO..... 015903 SECTION... PARCEL. 00708 SIDE1. 162.00 PURCHASE PRICE PLAT.... LIBER.. 8137 SIDE2. 162.00 GROUND RENT.... BOOK.... FOLIO... 0674 FORMER OWNER. SCHERER WILLIAM N.JR. TRUSTER FOLIO.... SQ FT LOT.... 13,416. (M) \*FULL VALUE\*

IMPRV PREF-LAND CURTILAGE EX LAND EX IMPRV 12,700 CURRENT PROPOSED 20,970 \*\*\*\*BASIS\*\*\*\* YRMO TAX LAND TAX IMPRV 90/91 ASSESSMT 8911 0 8,560 \*\*/\*\* ASSESSMT \*\*/\*\* ASSESSMT

TIME 14:59:10 DEL F/M DATE 09/18/89 LOT... TRANSFER DATE.... 04/03/89 BLOCK.... SECTION...

EX LAND EX IMPRV EX ADVAL 8,560 7,740

OFFICE OF ASSESSMENTS INQUIRY (1) INQ DATE 03/01/90 TIME 15:03:26 PROPERTY NO. DIST GROUP CLASS OCC. AREA CARD-NO DEL F/M DATE 21-00-010586 12 3 PH3 08013P 11/22/89 HOOPENGARDNER ALVA PRIMARY DESC... L SWS EDDLYNCH DR HOOPENGARDNER NADINE SUPPLEMENTAL DESC.. .495 AC 07804 WISE AV IMPRV ADDRESS EDDLYNCH DR BALTIMORE MD 21222 NEAREST INTER.... 0602 W. LYNCH RD STRUCTURE.... X31-100--A STATE CODE.. MAP..... 103 FRONT. TRANSFER DATE.... 04/03/89 .00 BLOCK.... 12 BACK.. TRANSFER NO..... 015902 .00 SIDE1. .00 SIDE2. .00 PARCEL. 00709 PURCHASE PRICE PLAT.... LIBER.. 8137 GROUND RENT.... BOOK.... FOLIO... 0678 FORMER OWNER. SCHERER WILLIAM N, JR, TRUSTEE SQ FT LOT.... 21,562 (M) FOLIO.... IMPRV PREF-LAND CURTILAGE EX LAND EX IMPRV \*FULL VALUE\* CURRENT 23,010 PROPOSED 23,010 85,110 \*\*\*\*BASIS\*\*\*\* YRMO TAX LAND TAX IMPRV EX LAND EX IMPRV EX LOVAL 90/91 ASSESSMT 8911 0 44,180 44,180 \*\*/\*\* ASSESSMT 44,800 \*\*/\*\* ASSESSMT

OFFICE OF ASSESSMENTS INQUIRY (1) INQ DATE 03/01/90 TIME 15:03:53 PROPERTY NO. DIST GROUP CLASS OCC. AREA CARD-NO DEL F/M DATE 12 3 PH3 04 08013P 21-00-010587 06/06/89 OOPENGARDNER ALVA PRIMARY DESC... L SWR EDDLYNCH DR HOOPENGARDNER NADINE SUPPLEMENTAL DESC.. .367 AC RER 162 FT 07804 WISE AV IMPRV ADDRESS EDDLYNCH DR BALTIMORE MD 21222 NEAREST INTER.... 0602 W LYNCH RD STRUCTURE.... STATE CODE. MAP..... 103 FRONT. 90.00 TRANSFER DATE.... 04/03/89 \_\_OT.... BACK.. 90.00 TRANSFER NO..... 015904 BIOCK.... BLOCK.... 12 SECTION... SIDE1. 178.07 PARCEL. 00218 PURCHASE PRICE PLAT.... SIDE2. 177.28 GROUND RENT.... LIBER.. 8137 воок.... FOLIO... 0682 FORMER OWNER. SCHERER WILLIAM N, JR, TRUSTEE FOLIO.... SQ FT LOT.... 0 () \*FULL VALUE\* IMPRV PREF-LAND CURTILAGE EX LAND EX IMPRV CURRENT 21,620 PROPOSED \*\*\*BASIS\*\*\*\* YRMO TAX LAND TAX IMPRV EX LAND EX IMPRV EX ADVAL 0/91 ASSESSMT 8911 8,830 8,830 /\*\* ASSESSMT 9,180 \*/\*\* ASSESSMT

Attorneys at Law

CHARLES S. MENTZER CHARLES E. MENTZER Of Counsel Abraham Levin

December 6, 1989

BALTIMORE OFFICE 7902 Belair Road Baltimore, MD 21236 301 B82-9595 **DUNDALK OFFICE** 301 282-4800 FREDERICK OFFICE 301 293-2705 SOUTH BALTIMORE OFFICE 1301 South Hanover Street

Baltimore, MD 21230

REPLY TO BALTIMORE OFFICE

TIME 14:25:31

111 West Chesapeake Avenue Towson, Maryland 21204 Re: Petition for Zoning Reclassification S/S Eddlynch Drive, 510 ft East of Centerline of Church Road Petitioners: Alva and Nadine Hoopengardner

County Board of Appeals of Baltimore County

Case No.: CR-89-462

Dear Mr. Hackett:

Room 315

William T. Hackett, Chairman

Unfortunately, I have other matters that are scheduled on the above date and I would request a continuance.

We would request that the continuance be sometime in January, 1990 and I have available the following dates.

January 24th and 25th, 1990

February 1st, 5th, 6th and 7th, 1990.

If these dates are insufficient please contact my secretary and we will agree to another date.

Mentzer and Mentzer Attorneys at Lanc

CHARLES S. MENTZER CHARLES E. MENTZER Of Counsel Abraham Levin

Determent for 2/21/90.

Jensery 12, 1990

BALTIMORE OFFICE 7902 Belair Road Baltimore, MD 21236 301 882-9595 DUNDALK OFFICE 301 282-4800 FREDERICK OFFICE 301 293-2705 SOUTH BALTIMORE OFFICE 1301 South Hanover Street Baltimore, MD 21230

REPLY TO BALTIMORE OFFICE

County Daniel of Appeals of Bollbooms County Room 315 111 West Chesapsate Averus
Tawson, Maryland 21204

For Petitioners: Alva the Wedles Nov. Ligadest Coso Novi th 63 462

Centiemen:

This will believited be receipt of your bearing notice in the obava matter.

Unfortunately, I have a prior commitment; specifically laword vs. Jacoby scheduled for the Circuit Court for Howard County on the same date at the same time.

Accordingly, we would approxists a continuance of the above-

If it would be easier for all porsums insolved you may contect my sacratary had obtain overlichts dates.

e co: lin. ood iins. Alva Heng tegordaer Phyllis C. Frieddisä, Esquira Richalas Composidant

THE LINE CE

County Board of Appeals of Baltimore County ROOM 49 OLD COURTHOUSE TOWSON, MARYLAND 21204

> Alva & Nadine Hoopengardner 7804 Wise Avenue Baltimore, MD 21222

#R-89-462 Item #12 ALVA & NADINE HOOPENGARDNER Cycle I - 1989 S/S Eddlynch Drive, 510' E. C/L Church Road 12th Election District 7th Councilmanic District D.R.5.5 to BL-CNS 1.17 acres February 28, 1989 Petition filed. Charles Mentzer, Esquire Counsel for Pet\* toner 7902 Belair Road Baltimore, Maryland 21236 882-95 Alva & Nadine Hoopengardner 7804 Wise Avenue Baltimore, Maryland 21222 Petitioner/Legal Owners 285-7061 James Earl Kraft Baltimore County Board of Education 940 York Road, Towson, MD 21204 Phyllis Cole Friedman People's Counsel P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, County Attorney Jim Thompson -# 1108

